



# Frequently Asked Questions



## ***How many CLE credits do I need each year?***

Active attorneys must complete 15 credits of continuing legal education credits every reporting year. The reporting year begins on April 1 and ends on March 31.

## ***What constitutes a credit?***

One credit is equal to 60 minutes of instruction. Credits can be earned in quarter-hour increments: 15 minutes is equal to .25 credits.

## ***Do all 15 credits have to come from attending live seminars?***

No. A minimum of 10.0 credits per year must be obtained by participation "Live" or "Interactive" seminars. A maximum of 5.0 "Other" credits may be earned by alternative means.

## ***What activities qualify for "Other" credits?***

Audio or video taped programs (available through the State Law Library or private firms ); teaching/preparation of CLE programs; on-line self-study programs; writing an article that appears in any Law Review published by an ABA-accredited Law School; or attending in-house CLE programs.

***IMPORTANT:*** "Other" credits are limited to 5.0 per year and may not be carried forward to the next year.

## ***Why are "Other" credits limited to 5.0 per year?***

The CLE Commission believes that interaction with fellow attorneys contributes to the learning process and that a significant portion of CLE credits should be satisfied by attending live seminars or by methods that allow for interaction among the participants and the instructor by telephone or electronic means.

## ***Can I get credit for courses that have not been pre-approved by the State Bar?***

Yes. ***For in-state programs:***

Most law-related programs held in Montana are submitted for accreditation by the seminar's sponsor, however, if you are unsure, please call the State Bar and inquire - 406-442-7660. If the course has not been submitted, simply fill out the *Application for Approval of CLE Activities* (found on this website or in the Lawyer's Deskbook & Directory), attach a course agenda with time schedule, and submit it to the State Bar.

### ***For Out-of-State Programs***

We will honor the approval given by other CLE jurisdictions, so if a seminar has been approved for CLE credit in the state in which it is held, there is no need to apply for approval of CLE credit in Montana. Simply attach documentation of the other state's approval to your affidavit at the end of the reporting year.

## ***How do I report my CLE credits?***

You will receive an affidavit form on which to report CLE around March 1st each year. Look for it in the

mail with your dues statement. You will use it to report all CLE activities that you have attended since April 1<sup>st</sup> of the previous year. It is possible that courses you have attended are already pre-printed on your affidavit.

***Why don't all the courses I've attended appear on my affidavit?***

The CLE Commission credits each attorney's record if an attendance list is provided by the program's sponsor, or, if the attorney pre-reports by sending the attendance certificate(s) to the State Bar. Attendance information received after the first week in February cannot be recorded in time to appear on the affidavits. You must write it in.

***What if the information on my affidavit is incorrect?***

It is each attorney's responsibility to verify all information on his or her affidavit. If you attended only a portion of a seminar, please write in the number of hours you were actually in attendance. If a program you attended is not pre-printed on your affidavit, you must write it in.

***Should I attach my attendance certificates to my affidavit?***

It is not required for in-state programs since compliance is reported on an honor system. However, if you attended an out-of-state program that does not appear pre-printed on your affidavit, it is helpful to attach the attendance certificate. We will honor the other state's approval, and the attendance certificate verifies the number of credits assigned.

***Should I send my CLE affidavit to the Bar if I don't have all my credits?***

No. The State Bar will not accept an affidavit that does not meet the requirement of 15 credits per year, including carry-over.

***When are CLE affidavits due?***

Affidavits are due by April 1st each year. However, a 30-day grace period is allowed, so CLE credits can be earned and reported up until April 30<sup>th</sup> without penalty. A \$50.00 late fee will be assessed for affidavits postmarked after April 30th.

***When do new attorneys report CLE?***

New attorneys are not required to complete any CLE for the duration the CLE reporting year in which they are admitted to the State Bar of Montana.

For example: Since the reporting year begins on April 1 and ends on March 31, an attorney admitted to the Bar on April 23, 2005, would *not* report CLE when that reporting year ends on March 31, 2006. That attorney would report CLE activities for the first time at the end of March 2007.

***Can I get credit for programs I attended in my first year of admission, before I actually have a requirement?***

Yes. But you can't report them until the first year that you have a requirement. The State Bar has no way to record CLE credits for attorneys until they have a CLE requirement.

### ***Can I get CLE credit for teaching?***

Yes. A maximum of **5 credits per year** may be earned for teaching/preparation of courses approved for CLE credit. These are considered "Other" credits and may not be carried forward to the next reporting year.

### ***What about telephone conferences and satellite programs?***

These are considered "Live" or "Interactive" credits. They are counted the same as if you attended in person and no maximum is imposed.

### ***Are online programs credits allowed?***

Yes. However, please note that there are two types of online programs: One is considered the same as attending a live seminar and the other is considered to be self-study and counts as "Other" credit.

If you take part in a live "webcast" during participants can ask questions of the presenter, you may claim credit in the "Interactive" category. If the online program can be accessed on demand or has been pre-recorded, you must claim credit in the "Other" category and the number of credits per year is limited to 5.0.

### ***Do I have to get ethics credits every year?***

No. The CLE rules now require that Montana attorneys complete at least **5 credits of Ethics every 3 years**. Ethics credits are included in the 15 credit per year total - not in addition to it. Please refer to your CLE affidavit to determine the dates of your 3-year ethics reporting period.

### ***How many credits can I carry over to the next year?***

A maximum of 30 "Live" credits may be carried over. "Other" credits may not be carried over.

### ***What happens if I don't have enough credits at the end of the reporting year?***

If you have not completed *and* reported the minimum number of CLE credits (15.0) by April 30<sup>th</sup>, a \$50.00 penalty fee will be assessed. You then have until June 15 to obtain and report CLE activities and pay the late fee.

### ***\*\*\*\* PLEASE NOTE: ATTORNEYS WHO HAVE NOT COMPLIED WITH CLE REQUIREMENTS BY JUNE 15TH WILL BE IMMEDIATELY TRANSFERRED TO INACTIVE STATUS AS ORDERED BY THE MONTANA SUPREME COURT.***

The names of these attorneys will be furnished to all Montana District Courts, the Montana Supreme Court, Federal District Court of the District of Montana, and the Ninth Circuit Court of Appeals.

These attorneys may not practice law until the noncompliance is corrected and all fees are paid.

### ***Is it possible to get an exemption from MCLE requirements?***

Exemptions or extensions of time in which to complete CLE requirements may be issued in special circumstances that include **severe illness or injury**. They may not be granted in successive years for the same hardship. Call the MCLE Administrator at (406) 442-7660 to get the required form. Neither exemptions nor extensions will be granted because of extensive case loads or upcoming court dates.